IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.332 OF 2006

The State of Maharashtra ...Applicant

Vs.

Anwar Yasin Qureshi ...Respondent

Shri U.V.Nikam, A.P.P. for the Applicant.

Shri Ganesh Gole for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 15, 2006.

P.C.:

1. Heard the Advocates appearing for the parties. An Application was made by the prosecution at Exhibit 14 for seeking permission to re-examine P.W.1. The P.W.1 is the father of the minor girl who is the victim of the alleged offence. The allegation of the prosecution is that the Respondent has committed offences punishable under section 363, 366, 376 of the Indian Penal Code.

2. P.W.1, the father of the victim, in his cross-examination stated that as per custom the accused has entered into engagement and has shown willingness to marry with his daughter. I have perused the Application at Exhibit 14. The only contention raised in the Application is that a new circumstance of engagement ceremony has been brought on record in the cross-examination and therefore, the prosecution desires to re-examine P.W.1.

3. The case of the prosecution witness is that at the time of commission of offence age of the victim was 15 years. If this is the case of the prosecution, the case made out in the cross-examination of alleged

subsequent engagement may not be relevant so far as the prosecution is concerned. Apart from this fact, no case was made out for permitting re-examination under section 138 of the Indian Evidence Act, 1872. The learned Trial Judge has rightly observed that the alleged engagement between the accused and the victim has nothing to do with the allegation of offence in the F.I.R. Hence, no case is made out for interference.

Revision Application is rejected.

JUDGE